

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARK A. RYDER,) CASE NO. 1:06 CV 2105
)
Petitioner,)
)
v.) JUDGE DONALD C. NUGENT
)
PHILIP KERNS, Warden,) Magistrate Judge David S. Perelman
)
Respondent.) <u>ORDER</u>

As stated in the attached Memorandum Opinion, the Court hereby ADOPTS the Report and Recommendation of Magistrate Judge Perelman (Document #12) in its entirety; Petitioner's Petition for Habeas Corpus is DISMISSED.

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

IT IS SO ORDERED.

s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: July 30, 2007

